

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY REDIC,  
Petitioner,  
v.  
TERRIE L. GONZALEZ, Warden,  
Respondent.  
No. C-11-1004 TEH (PR)  
ORDER OF DISMISSAL; NE  
FILED IN ERROR; NO FIL  
DUE

On March 3, 2011, Petitioner filed a document entitled "Points and Authorities in Support Thereof Continual Pursuit to Exhaust State Court Remedies." Doc. #1. Included in Petitioner's filing is a copy of an order of this Court issued by the Honorable Marilyn Hall Patel in Redic v. Marshall, No. C-08-5010-MHP (PR) (N.D. Cal. filed Nov. 3, 2008). That action is a federal habeas petition challenging a criminal judgment from Alameda County superior court. Judge Patel ordered the case administratively closed so that Petitioner could return to state court for exhaustion purposes. See id., Doc. #6. Since the case was closed administratively, Petitioner has filed a letter updating the Court

1 on his efforts to exhaust state court remedies. See id., Doc. #7.  
2 It appears that the document filed as a new action under case number  
3 C-11-1004-TEH (PR) was intended to be another such update.

4 Accordingly, the instant action is DISMISSED as filed in  
5 error. No filing fee is due. The Clerk shall terminate any pending  
6 motions as moot and close the file.

7 Further, the Clerk shall file Petitioner's "Points and  
8 Authorities in Support Thereof Continual Pursuit to Exhaust State  
9 Court Remedies" (Doc. #1) under Redic v. Marshall, No. C-08-5010-MHP  
10 (PR) (N.D. Cal. filed Nov. 3, 2008). As Judge Patel noted, nothing  
11 further will take place in that action until Petitioner exhausts all  
12 claims in state court and, within thirty (30) days of doing so,  
13 files a motion to reopen.

14

15 IT IS SO ORDERED.

16

17 DATED 03/11/2011

  
18 THELTON E. HENDERSON  
United States District Judge

19

20

21

22

23

24

25

26 G:\PRO-SE\TEH\HC.11\Redic-11-1004-dismissal-filed in error.wpd

27

28